

United States District Court

District of Hawaii

FEB 27 2004

at 2 o'clock and 30 min. P.M.
WALTER A.Y.H. CHINN, CLERK

UNITED STATES OF AMERICA

v.

PAUL RAPHAEL SPINK

(Defendant's Name)

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

(For Offenses committed on or after November 1, 1987)

Criminal Number: 1:03CR00409-001Michael Weight, AFPD

Defendant's Attorney

THE DEFENDANT:

- admitted guilt to violation of condition(s) Standard Condition No. 3; Special Condition No. 3; Standard Condition No. 2; and HRS §780-831 and the General Condition of the term of supervision.
- was found in violation of condition(s) _____ after denial or guilt.

Violation Number

See next page.

Nature of ViolationDate Violation
Occurred

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 1714February 24, 2004

Defendant's Date of Birth:

Date of Imposition of SentenceDefendant's USM No.: 01167-093Signature of Judicial Officer

Defendant's Residence Address:

for DAVID ALAN EZRA, Chief United States District Judge
Name & Title of Judicial Officer

Defendant's Mailing Address:

2-26-04Date

AO 245 D (Rev. 3/95) Judgment in a Criminal Case for Revocation Sheet 1

CASE NUMBER: 1:03CR00409-001

DEFENDANT: PAUL RAPHAEL SPINK

Judgment - Page 2 of 6

ADDITIONAL VIOLATION

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1	Subject failed to follow the instructions of the Probation Officer	
2	Subject failed to perform 50 hours of community service	
3	Subject failed to submit truthful written reports within the first five days of each month	8/2003, to 11/2003
4	Subject engaged in conduct constituting Theft in the Second Degree	

CASE NUMBER: 1:03CR00409-001
DEFENDANT: PAUL RAPHAEL SPINK

Judgment - Page 3 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 2 CONSECUTIVE WEEKENDS.

This term consists of 2 consecutive weekends, beginning on 2/28/2004 from 9:00am to 3/1/2004 @8:00am; and on 3/6/2004 from 9:00am to 3/8/2004 @8:00am.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.

at ____ on ____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at FDC, Honolulu:

before 9:00am on 2/28/2004.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

CASE NUMBER: 1:03CR00409-001
 DEFENDANT: PAUL RAPHAEL SPINK

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 50 MONTHS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check if applicable).

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: 1:03CR00409-001

DEFENDANT: PAUL RAPHAEL SPINK

Judgment - Page 5 of 6

SPECIAL CONDITIONS OF SUPERVISION

- 1) That the defendant is prohibited from possessing any illegal or dangerous weapons.
- 2) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office.
- 3) That the defendant shall submit her person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.